CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

OCTOBER 19, 2010

INVOCATION:
Pastor Daniel Cassels of Life Way Fellowship gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Zacarias led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Jones, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Police Chief Macagni, Director of Community Development Appel, Director of Recreation and Parks Posada, Director of Administrative Services Visé, Community Programs Manager Coelho-Hudson, Building Division Manager Marshall, Assistant City Attorney Sinco, and Deputy City Clerk Garietz.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Debbie Harper, the Recreation and Parks Volunteer of the Month for October 2010 for her dedication and commitment as a volunteer with the Northern Santa Barbara County Special Olympics. Ms. Harper was not present to receive her gift.

PROCLAMATION – JUAN PACIFICO ONTIVEROS ELEMENTARY SCHOOL DAY
Councilmember Cordero read a proclamation declaring October 23, 2010, as "Juan Pacifico Ontiveros Elementary School Day" in the City of Santa Maria in celebration of the 20th Anniversary of the school, and its commitment to the students and contributions to the Santa Maria community. The proclamation was accepted by Margaret Ontiveros, the principal at Juan Pacifico Ontiveros Elementary School, along with several current and former students.

PROCLAMATION – ROTARY WORLD POLIO DAY
Councilmember Patino read a proclamation declaring October 24, 2010, as "Rotary World Polio Day" in the City of Santa Maria, and invited the residents of Santa Maria to support Rotary International's goal of world-wide eradication of Polio. The proclamation was accepted by Jean-luc Garon, Santa Maria Breakfast Rotary Club, and Bob Frias, Santa Maria Noontime Rotary Club. Also recognized in attendance were members from the various local Rotary Clubs.

PUBLIC COMMENT
Lisa Baldiviez, Fighting Back Santa Maria Valley, commented on several upcoming events. Red Ribbon Week, October 25-29, in partnership with Elks Lodge, to provide red ribbons to the Santa Maria Valley youth for drug awareness, and National Drug Facts Week, November 8-14, a collaborative effort between organizations, adult advisors and local teens. Fighting Back Santa Maria Valley Youth Partnership will hold a youth-led town hall meeting regarding drug facts on November 13th from 6:00-8:00 p.m. at Honda of Santa Maria. She thanked Councilmember Patino for her contributions and attendance at the National Community Anti-Drug Coalition of America conference, and the City Council for their continued support while they launch their youth partnership initiative.

Marty Mariscal commented that he is a proud member of the Breakfast Rotary Club and was pleased to see the proclamation presented. At the last meeting, he indicated that he reviewed Campaign Expenditure forms and mentioned that the Santa Maria Police Officers' Association (SMPOA PAC) was supporting two candidates for City Council. SMPOA PAC has spent $43,000 on behalf of their two candidates for the upcoming election. They didn't spend a penny of the money in the City limits. He researched further and was surprised to find that the SMPOA PAC did not contribute any money to support Measure S, a sales tax measure to build a new jail. Building a new jail is critical to public safety. He noted that the SMPOA PAC has $14,000 remaining and asked that they support Measure S to build the jail or use it on their candidates, but to use the money locally.

CONSENT CALENDAR
Consent Calendar Items 3A through 3H were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of October 5, 2010, were approved as submitted.

C. WARRANTS
Warrant Nos. 161875 to 162171 totaling $3,778,462.16 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 152622, 152996, 156308, and 157198 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. REJECT BIDS
Resolution No. 2010-122 was adopted rejecting all bids received for the project Street Maintenance (Chip Seal), Bid No. 2011/01.

Resolution No. 2010-122 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REJECTING ALL MAINTENANCE (CHIP SEAL), BID NO. 2011/01.

F. NOTICE OF CONTRACT COMPLETION
The City Council approved the Notice of Contract Completion for Federal Stimulus Overlay Project #1, Bid No. 2010/05 and directed the Deputy City Clerk to record the Notice.

G. LIMITED TIME PARKING
Resolution No. 2010-123 was adopted establishing a 15-minute limited time parking zone on Centennial Street along the westerly right-of-way, approximately 95' north of the curb return at Mammoth Drive, for 20' in front of the community mailbox.

Resolution No. 2010-123 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A 15-MINUTE LIMITED TIME PARKING ZONE ON CENTENNIAL STREET PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

H. NO STOPPING ZONES

Resolution No. 2010-124 was adopted establishing no stopping zones at the intersection of East Orange Street and Miller Street, along the northerly and southerly right-of-way.

Resolution No. 2010-124 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON ORANGE STREET PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

Mayor Lavagnino moved Item 7 forward on the agenda for discussion at this time.

PRESENTATION BY OWNER/DEVELOPER OF RANCHO HERMOSA HOUSING PROJECT LOCATED AT 215 - 245 EAST INGER STREET

This item was added as an addendum to the previously published and distributed agenda. During the period from October 8th to October 19th, City staff had received 16 phone calls from residents in the area of the project who either had concerns (3 calls) or opposed (13 calls) the project. Four letters were also received during this time either expressing concern (1 letter) or opposing (3 letters) the concept for the project.

A presentation was made by John Polanskey, Director of Housing Development, representing both the Housing Authority of County of Santa Barbara (Housing Authority) and Surf Development Company (Surf). The Rancho Hermosa project is located at 215 - 245 East Inger Street at the northwest corner of South McClelland Street and Inger Drive. The project is a mixed-use multi-residential and commercial development that involves the new construction of 47 low-income residential units plus 8,621 square feet of commercial space fronting on East Inger Street. The Housing Authority and Surf were asked to take over the project on August 5 and 6, 2010. The Housing Authority is not responsible for the events that transpired prior to the date it took over the project, including references to a "bait-and-switch" or other misrepresentations that were made to Councilmembers or members of the public. The project development team includes McClelland Santa Maria, L.P. (Co-General Partners are Surf Development Company as the managing general partner, and Rooper, LLC as the administrative general partner); Housing Authority is the property manager, maintenance agent, and co-developer; Pacific West Builders is the contractor; and Hochhauser & Blatter are the Architects for the project. Financing sources included HOME funds from the City of Santa Maria in the amount of $352,669 and the County of Santa Barbara in the amount of $219,487, as well as In-Lieu Funds from the County of Santa Barbara directed to the Santa Maria Housing Market Area. Additional financing sources for construction were provided by converted federal tax credit financing to American Reinvestment Recovery Act funds, state tax credit financing, deferred developer fees, a traditional construction loan, and Mental Health Services Act funds. All funding sources totaled $24,406,330. The Planned Development Permit, Zone Change and General Plan Amendment for a mixed-use development were approved in 2007. As he understood it, the developer/owner was proceeding through the entitlement process and intended to sell the units. In 2008, when the developer/owner could no longer receive financing and the downturn in housing market occurred, the City and County approved allocations of HOME funding to a different project developer/owner for affordable rental units for low income families. Minor revisions to the development plan occurred in 2009 that were reviewed by the Community Development Department. Tax Credit Financing was approved and exchanged for American Reinvestment Recovery Act funding in early 2010. In August 2010, Surf Development Company partnered with Roope, LLC. The partnership was then approved by the Tax Credit Allocation Committee and funding moved forward. There would be two resident managers onsite, as well as supportive services provided by Good Samaritan Shelter, Inc., Transitions Mental Health Association, Telecare Corporation, County of Santa Barbara Department of Alcohol, Drug and Mental Health Services. The supportive service providers would be available 24 hours a day, 7 days a week to cater services to the individual's specific needs, including mental health services and substance abuse assistance. There would be 6 units for adults with mental health issues; 6 units for children who have mental health issues and have family members supporting them; 11 Good Samaritan referrals for individuals who are moving from transitional services into permanent housing; 11 units for special needs, including developmental disabilities; and 11 units for lower income workforce families.

Rancho Hermosa is not an institution for the mentally ill, a homeless shelter, temporary or transitional housing, or single room occupancy housing, and the project is not being developed by the City. When the Housing Authority and Surf took over the project, they did not believe that City staff, City officials, or the residents had been adequately informed about the changes to the project. City staff and officials were contacted and an informational meeting was coordinated. The meeting was conducted on September 28th by the Housing Authority and City staff giving an overview of the project and provided an opportunity for questions. He encouraged compassion toward fellow residents and reminded everyone that mental illness, developmental disabilities, homelessness or being poor could happen to any of us in these tough economic times.

Sylvia Barnard, Executive Director of Good Samaritan Shelter, Inc., stated that the shelter has provided services to Santa Maria's residents for 22 years, currently running 16 programs and have 7 locations. Good Samaritan's piece of this project would provide Recovery Point treatment programs. Their programs are recovery based and they drug test everyone. It is their goal to get individuals clean and sober, have them living in the shelter, and then move to a transitional shelter for up to 24 months. They are unable to get these individuals into permanent housing because they cannot afford it. They are working families with kids who deserve to have their parents and have stable housing. Good Samaritan intends to make referrals from their transitional housing programs. She stated that the homeless they see today are not the same as the homeless they saw a year or two ago. They are everyday people that have been affected by this economy with foreclosures or being renters of foreclosed homes. They are living in shelters with Bachelors Degrees, and they cannot get them into housing. In addition to the treatment component of this project, they have other programs at the Morrison Street site to help with afterschool care for homeless children for up to one year, as well as a medical clinic. She is proud to be a part of this project and looks forward to their partnership with the Housing Authority, and being good neighbors.

Frank Ricceri, Associate Director of Transitions Mental Health Association, stated that they began in San Luis Obispo in 1979 and moved to Santa Maria to provide services for people with serious mental illness in 1993. They are located in a home on Broadway and have had no problems. They run six different locations and three residences, and promise to be good neighbors as well. When dealing with people with serious mental illness, it cuts across all economic strata. The individuals they serve are all in recovery. Mental illness is treatable and manageable. Transitions has collectively provided services to the community for many years with the Santa Barbara Alcohol, Drug and Mental Health Services and Telecare Corporation. The Recovery Learning Community has outgrown its space on Broadway and will be a part of this project. Transitions has a successful program in the City of Lompoc and believes Rancho Hermosa will be the same.

Monica Simmons stated she was a resident of Santa Maria for 45 years and resides on Marriot Street, near the project. She spoke in opposition to the project because of the mental health component. She stated that these people would have serious mental health conditions and that is what brought her to the meeting. She was not informed of this.

Miguel Aguillon spoke in opposition to the Rancho Hermosa project. He commented on the various State and County agencies already in their neighborhood and did not feel the project would be safe for children. He sees little difference in the Rancho Hermosa project and the existing Lazy Days Motel.

Ward Dugger spoke in opposition to the Rancho Hermosa project. He commented that he was disappointed in the Council that they did not inform them this was going to be proposed. He expressed concern about where the funding would come from after the project was built.

Mayor Lavagino stated that the City Council did not know that this project had morphed into what it had become. When it was brought to the Council in 2007, it was proposed as a workforce housing development. He became aware of the current project only two weeks ago.

Aurelia Vega spoke in opposition to the Rancho Hermosa project. She has children and is a foster care mother. She expressed concern for the safety of the children, and believes this project is too risky in their neighborhood, particularly if the individuals stop taking their medication.

Jerry Connor spoke on behalf of Santa Barbara County Action Network (SBCAN) and is also a resident in the neighborhood. In principal, SBCAN supported this type of project; however, this specific project needs more study of the implications of having mentally ill people in a neighborhood where there are children playing.

Patrice Mosby spoke in opposition of the project. The level of care with 24/7 supervision and therapy that is required by the mental health community concerns her. Santa Maria has 5,000 people who are homeless. Only 10 percent of them would be served by this project.

Joan Leon commented on the land use for the project and the planned development permit that was approved in 2007. One of the goals of the mixed-use ordinance is to have balanced growth and balanced uses that are compatible with its location. The proposed project no longer meets those goals. The City Council has the control to determine the land use.

Mayor Lavagnino thanked everyone for their comments. He also thanked Mr. Polanskey, Ms. Barnard, and Mr. Ricceri for their presentations, and stated that they were innocent victims in this. Had the project remained a workforce housing project, they wouldn't be there tonight. That was what was approved and that was how it should have stayed. There was a "bait-and-switch" somewhere along the way between 2007 and now. The prior developer wanted to save his project and didn't care about the neighbors. He admitted that he wouldn't want this project in his neighborhood. Considering the City's options is the next step by either making the project palatable to the neighborhood or backing them off altogether. The people who lived within 300 feet of the project probably received notification of the zone change in 2007. Withholding the City's HOME funds would open the City up to litigation. He suggested that the proponents return the project to either workforce housing or eliminate the mental health component from the project. That seemed to be the portion of the project that is causing the most concern for the residents.

City Attorney Trujillo advised that the Council had no authority to prohibit this type of housing. He researched regulations on housing discrimination. The City cannot regulate or prohibit a person with a physical or mental disability from occupying a residential unit. The project was approved as a low income residential unit; and through forces beyond the control or knowledge of the City, it morphed into a low income special needs residential unit. If the Council chose to prohibit this type of housing, it would constitute unlawful housing discrimination based on a disability. Individuals with mental or physical disabilities are a protected class, and entitled to housing protection. They were entitled to the same protection as if the City were to regulate occupancy based on race. Race discrimination or discrimination based on a disability, whether it is physical or mental is the same thing in the eyes of the law. Many federal and state laws exist that restrict a city's ability to regulate or prohibit care group homes, alcohol or drug recovery homes, or sober living homes in residential areas. He recited some of the Acts that protect this class indicating that their established purpose was to integrate individuals with mental or physical disabilities into residential areas. There was substantial case law on the topic, many dealing with group homes locating next to single family residences. In almost every case he read, where the City attempted to prohibit these homes, the City lost.

Councilmember Patino asked when the Housing Authority took the project over if it knew that the zoning had changed and it would be placing the number and type of residents it is proposing now.

Mr. Polanskey stated that, unbeknownst to the City and the community, the former owner applied and received an award for tax credits based upon the project being 100 percent special needs. On August 5th and 6th, instead of the 12 MHSA special needs units, it had 45 special needs units. There is a tremendous need in Santa Maria for special needs housing, but there is also a very high need for the workforce, lower income housing. This was evidenced by Ted Zenich Gardens project. The Housing

Authority worked very hard with the Tax Credit Allocation Committee and were able to get them to agree to 11 units on 25 percent. The Housing Authority voluntarily took a hit with a reduction in tax credits to try to make the best possible project.

Councilmember Patino asked who was the Tax Credit Allocation Committee. She said it seems that people are controlling our lives that we don't even know.

Mr. Polanskey explained that the Tax Credit Allocation Committee is located in the State Treasurer's Office. The federal and state tax credits are apportioned on a per capita basis. They have set rules and scoring so that everyone competes statewide for the limited number of tax credit dollars. This was one of the ways to bring tax dollars back to community.

Councilmember Patino commented that everyone wants more transparency in government, and there certainly wasn't any here for any of us. She asked if the Housing Authority was the lead agency.

Mr. Polanskey said the Housing Authority is the co-developer and is the management agent and the maintenance agent. Surf Development Company is the managing general partner in the limited partnership.

Councilmember Patino commented that it seemed like another project was being shoved down the throats of our residents just as the County did with the day reporting center. She expressed concern with the lack of transparency in government and that legislators in Sacramento were making decisions about where we live. It crosses the line, when the government impedes on a person's private property rights.

Mr. Polanskey indicated that he believed the funding was committed back in 2008. By regulation, HOME funds have to fund all low income rental housing.

Brook Welch from the County of Santa Barbara Housing and Community Development Department stated that when the original project was presented there was no mental health component to the project. It was 100 percent low income, with some workforce housing.

Councilmember Patino asked if there was any way to pull the CDBG funds without being sued or recommit the funds to a different low income housing project.

City Manager Ness stated that the $352,000 the City provided through HOME financing in 2008 was not in the City's possession. If the Council took action to divert the funds to another project, it would set the City up for a lawsuit in violation of the fair housing laws.

Councilmember Cordero asked if it was fair to assume that in addition to the 12 special needs units, there could be significantly more than 12 special needs units with the inclusion of the three-bedroom condominiums proposed in the project. He also asked if there was a drop-dead date to start the project.

Mr. Polanskey stated that the 12 mental health services units include two units that are 2-bedroom, four units that are 1-bedroom and the remaining six units are 3-bedroom. The idea was to try to serve individuals, as well as families who have one family member who is receiving services. The project had two drop-dead dates: 1) a significant expenditure of the tax credit (ARRA) funds needed to be made by mid-February 2011, and 2) the project had to be completed and occupied by the end of 2011. There was not a lot of time before they could begin construction. The builder was a little concerned about meeting these deadlines if we had some bad weather.

Councilmember Cordero asked if the funding would be gone if the builder didn't meet the deadline dates. He said he could not help but feel that the residents had been misled either by mistake or by design. He commented when the project was approved in 2007, there was probably an expectation of tax revenues coming back into the City. There would not be any economic return of sales tax dollars to the City with the County offices occupying the commercial space.

Mr. Polanskey confirmed that the tax credit funding would be rescinded if the deadlines were not met. In their experience, the City would have a significant economic benefit if the lower income families were able to spend only 30 percent of their income on housing, instead of 50-70 percent. They would then be able to make other purchases, such as clothing and food.

Councilmember Cordero commented that the City would have benefited the same way from the original project. What was lacking now was the ongoing revenue source of there being retail shops.

Mr. Polanskey stated that the commercial space had been dedicated to supportive services. There had been discussion about having some commercial uses in the future if it was determined that supportive services did not need the entire space.

Councilmember Cordero asked if the same liability extended itself to private citizens if they wanted to come together and take some legal action in order to prevent the project from going forward. He expressed his frustration that so many people were being burdened with a decision that they had no part in making. No matter what happened, some of the citizens would walk away holding the Council accountable for something they had no control over.

City Attorney Trujillo stated that any member of the public or citizen is free to litigate any issue. He suggested that they consult with an attorney on the merits of the lawsuit before expending any resources. Under his review, the law was quite clear. In fact, if the Council were to attempt to overrule the decision, it could potentially open up the Council to individual personal liability for intentionally violating a civil right.

Councilmember Orach commented that the federal, state and county governments regulated group and foster homes, not the City. The Housing Authority, Good Samaritan and Transitions all provide services at a maximum to help individuals succeed.

Councilmember Zacarías commented that mental health issues had been a part of her entire life. She couldn't help but have a different perspective on the issue. Her mother had schizophrenia and did not have access to care. She said that if she or her mother had an opportunity to live in a community like this, she would not have experienced the things she experienced growing up. She encouraged the residents to have faith in the team of professionals who were advocating for the support of families and children living with mental illness. This was a surprise to everyone. The community-based organizations had a duty to work with the community to build good relationships. She had a lot of respect for these organizations, but we should've done a better job. We should have not been the last ones to know.

City Manager Ness reminded the Council that it was not being asked to take any action on this item because it was agendized as a presentation, not as an action item. He knew that many of the people from the neighborhood were going to attend and speak during the Public Comment Period. State law prohibits the Council and staff from responding during the Public Comment Period which is why it was placed on the agenda to allow full discussion and disclosure. He said that he asked staff to research how many board and care homes were in Santa Maria that strictly housed the mentally ill. Staff was able to determine that there were at least eight other homes that were single family homes in residential neighborhoods within the City limits, allowing up to six adult residents in each home. There was nothing that the staff, the Police Department or the Council could do about it.

Councilmember Cordero stated that Good Samaritan and Transitions does outstanding work, and wants to continue doing projects like this. It was a tough pill to swallow for anyone, but he believed they would work hard to be good neighbors.

Mayor Lavagnino apologized that the Council couldn't do anything further.

Mayor Lavagnino called for a brief recess at 8:20 p.m.

Mayor Lavagnino reconvened the meeting at 8:28 p.m.

AMENDMENTS TO THE BUILDING REGULATIONS ORDINANCE.
Building Division Manager Marshall gave the staff report. The State legislature adopted the 2010 California Building Codes which becomes effective on January 1, 2011. The current Title 9 of the Santa Maria Municipal Code references portions of the 2007 California Building Codes. Adopting the latest additions to the California Building Code, and amending the Building Regulations found in Title 9 gives the City the opportunity to meet the City's specific local building needs. Two new Codes were proposed for adoption, the Residential Building Code and the Green Building Standards Code. The Residential Building Code was meant to compliment the two volumes of California Building Code. The amendments carried over already existing code amendments found in Title 9. The California Green Building Standards Code was first published in 2008 and was voluntary. The 2010 Edition of the Green Building Standards had voluntary and mandatory measures. It would be effective on new buildings and structures only. The mandatory features included recycling 50 percent of all construction debris and requiring storm water management plans for all new buildings. It also regulates the amount of water used by requiring low-flow plumbing fixtures and limits indoor air pollution from construction materials. It was not recommended that any amendments be made to the Green Code, and no voluntary sections were proposed to be made mandatory. The current Title 9 of the Santa Maria Municipal Code must be updated to incorporate changes in the 2010 California Building Code, Plumbing Code, Electrical Code, Mechanical Code, Historical Building Code, Green Building Standards Code, Residential Code, and the Existing Building Code. Amendments are proposed to Chapters 9-1 Building Codes Adopted; 9-2 Electrical Code; 9-4 Plumbing Code; and 9-5 Sign Code. Major changes to Title 9 included amending Section 9-1.204 to exempt "chain link and similar types of fences" and exempting retaining walls under 4 feet in height. Retaining walls under 30 inches in height were previously exempted by the Council in 2007. This amendment aligns our City Ordinance with the new Building Code. Section 9-1.222.3 California Existing Building Code now includes a new Appendix A1 which details the structural requirements for reinforcing Unreinforced Masonry Buildings (URM's). Previously, we depended on our City Ordinance. Section 9-1.225, which previously created a new Appendix Chapter 24, was being deleted. Appendix Chapter 24 was based on the 1985 Uniform Building Code, as amended, and did not reflect current seismic engineering. The new code language provided in Section 9-1.222.3 was based on up-to-date structural engineering principles and would ensure added safety for any URM upgrades permitted in the City. Section 9-1.230 Subsection 1704.1 clarified what was required to comply with the City's Special Inspection program. The Section now included reference to the "Special Inspection and Observation Manual," an in-house developed instructional guide complete with all necessary forms. This should prove helpful to designers and engineers. Section 9-1.600 was added to adopt the new Residential Code and only amended to reflect already existing Municipal Code requirements for foundations, sunrooms, garage/dwelling fire wall separation, and under-stair fire protection. The California Green Building Standard Code, 2010 edition, was added to Section 9-1.800.

Ordinance No. 2010-10 amending Title 9 of the Santa Maria Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Cordero, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2010-10 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTERS 9-1, 9-2, 9-4, AND DELETING CHAPTER 9-7 OF TITLE 9 OF THE SANTA MARIA MUNICIPAL CODE.

AMENDMENTS TO THE FIRE CODE ORDINANCE
Fire Chief Jones gave the staff report. The current Chapter 9-3 of Title 9 of the Santa Maria Municipal Code amends and references the 2007 California Fire Code. The State legislature adopted the 2010 California Fire Code which will become effective on January 1, 2011. Every three years the State of California updates Title 24 of the

California Code of Regulations, also known as the California Building Standards Code (CBDC). Along with adopting new Building Codes, the State also amended the California Fire Code. The CBDC specifies the circumstances under which a City-issued building permit may be issued. The current Chapter 9-3 of the Santa Maria Municipal Code must be updated to incorporate the State amendments to the Fire Code. A major amendment to the 2010 California Fire Code is the Group R (residential) fire sprinkler requirement. The new Code requires fire sprinkler systems to be installed in all newly constructed residential structures, regardless of the size or occupancy. The previous City code only required fire sprinklers in residential structures 5,000 square feet or greater. Additionally, the ordinance would eliminate 31 sections from Chapter 9-3 that the Fire Department considered redundant with, or more restrictive than, the California Fire Code. The most significant of these addressed automatic fire sprinkler systems for group residential facilities, and the density of placement of fire hydrants. Section 903.2.7 addressing Group R Occupancies and fire sprinklers would be eliminated to be in line with the California Fire Code. Previous code amendments have modified Appendix C relating to fire hydrant number and distribution which resulted in an increase in fire hydrant density from one hydrant every 500 feet to one every 400 feet. To incorporate existing fire sprinkler requirements and the residential code requirements contained in the new California Fire Code, Appendix C was being adopted without modification. Chapter 33 of Title 9, pertaining to fireworks sales and use, was included in the ordinance, but without modification. It would be presented for review and amendment at a later date.

Mayor Lavagnino asked what the additional cost to a new house for fire sprinklers.

Fire Chief Jones responded that it would cost approximately $1.30 per square foot. For a 2,000 sq. ft. home, the cost would be about $2,600 compared to the current Code at $3,160.

Councilmember Cordero asked whether this change would influence the insurance rates for residents that installed the fire sprinklers.

Fire Chief indicated that historically houses that came with sprinkler systems would benefit with some reduction in insurance rates. Now that it was a statewide standard, he did not know if that would continue to be the case.

Ordinance No. 2010-11 amending the Municipal Code to adopt the 2010 California Fire Code with amendments was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2010-11 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 9-3 OF TITLE 9 OF THE SANTA MARIA MUNICIPAL CODE.

NOTICE OF EXISTENCE OF PUBLIC NUISANCE

Assistant City Attorney Sinco gave the staff report. The City has efficient and effective ways to abate property nuisances. Abating nuisances at properties that have been abandoned or foreclosed upon has proven difficult. In many instances, properties have been foreclosed upon or abandoned by the occupants many months before the property is even listed for sale. The City has a difficult time ascertaining who has legal title to the properties. A lot of times, the lending entity identified on recorded documents has gone out of business, its assets acquired by another lender, or the mortgage sold to another entity. Typically, the Code Compliance Division becomes aware of these properties after a sale has been completed or during escrow. Even though the Code Compliance Division posted such properties with a notice listing the violations, it was rare for either seller or buyer to admit that they received a copy of the posting. As a result, the seller does not disclose that there are code violations at the property and the buyer often takes the property without actual knowledge of such violations, or claims ignorance of

the violations. When the Code Compliance Division does initiate abatement efforts against a new property owner, compliance could be a financial hardship on the buyer. The proposed ordinance would provide potential buyers, sellers and/or other successors-in-interest notice of the existence of a public nuisance at a particular property by recording a document entitled "Notice of Nuisance" with the County Recorder's Office. This notice would be recorded against a property that Code Compliance was unable to ascertain who held legal title and/or who had control over the property. It would also be recorded against properties with substandard conditions or unsafe buildings where the responsible parties had been noticed and failed or refused to abate the nuisance condition. The notice would provide a list of the Municipal Code violations present at the property. Once the violations were abated, the City would file a Notice of Satisfaction and Release of Notice of Nuisance document. The Notice of Nuisance document was not intended to have the same legal effect as a recorded "lis pendens" pursuant to California Code of Civil Procedure 405 *et seq*, and was not intended be a cloud on the title. Although the Notice had no legal effect per se, it would likely have an effect on the parties because the seller would have a legal obligation to disclose the existence of the code violations to the buyer, and the buyer would have the ability to negotiate the price of the property or require the seller to abate all code violations as a condition of the sale.

Nancy Stewart spoke in support of adopting the ordinance indicating it would assist Code Compliance Division in their efforts to get the nuisances and violations taken care of and ensure the right party would be responsible to clean up the property.

Ordinance No. 2010-12 amending the Municipal Code to provide for recording of notices of nuisance on properties was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2010-12 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SECTION 5-6.203 OF THE SANTA MARIA MUNICIPAL CODE, PROVIDING FOR RECORDING NOTICES OF NUISANCE ON PROPERTIES WITH PUBLIC NUISANCES AND RECORDING OF NOTICES OF RELEASE UPON ABATEMENT OF SUCH NUISANCE.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the November 2, 2010, City Council meeting including GEM Award presentation and the Quarterly Financial Report for the first quarter of the current fiscal year.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach reported that he was absent from the last meeting attending LAFCO's annual conference in Palm Springs. He toured wind farms and water conservation projects. In the future, LAFCO would be required to consider and certify that water and energy could adequately be provided when annexing property. Additionally, the social aspect would need to be considered requiring that underserved communities were not denied annexation due to lack of infrastructure. He also attended an All-America City Committee meeting and the Santa Maria Valley Chamber of Commerce Business Development presentation regarding health care costs.

Councilmember Zacarías reported that she attended the Mayor's Ball in support of the United Way.

Mayor Lavagnino reported that he attended the North County Subregional Committee meeting and was on vacation in Connecticut, Massachusetts and New Hampshire. He also congratulated John and Alice Patino on their 47th Wedding Anniversary.

Councilmember Patino reported that she attended the Housing Collaboration Summit Conference in Buellton, the opening ceremonies of the Special Olympics at Hagerman Field, a candlelight vigil at City Hall, and the National Energy Day Conference at the Radisson. She participated in a radio forum at KUHL with Ben Heighes, and attended a Museum of Flight luncheon with the Youth Corp who helped with the Thunder Over the Valley event. She also attended the St. John's and St. Mary's dinner and dance at the Fair Park. She announced that the Free for the Weekend event at Honda of Santa Maria was attended by almost 3,000 seventh and eighth grade kids. She said the kids were all nicely dressed and it was a successful night.

Councilmember Cordero reported that he attended the Bring Our Community Home programs at the Marriot in Santa Maria and in Solvang discussing homeless issues and had the opportunity to sit in as a panel member. He attended a police and fire barbeque as a retired law enforcement officer. On behalf of the Mayor, he attended an event at the Radisson and read a resolution. He also attended the CAC meeting in Solvang, Career Day at El Camino School, the Black and White Ball fundraiser for the Boys and Girls Club at the Elks Lodge. The Black and Wall Ball event was dedicated to Donna Salazar, who was one of the originating ladies who started the event.

CLOSED SESSION

The City Council recessed to a Closed Session at 9:01 p.m. to discuss Conference with Labor Negotiators pursuant to Government Code Section 54957.6, Agency Representative – Assistant City Manager; Employee Organizations - Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees.

After the Closed Session, the following report was given:

Conference with Labor Negotiator - Santa Maria Police Officers Assoc. (SMPOA); Service Employees Inter-national Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees – No action was taken.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:08 p.m.

APPROVED

November 2, 2010
Date

Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST

Deputy City Clerk